

Intent of the law: For applicable generators recycle all commercial organics instead of it going in the landfill

The primary goal of AB 1826 is to divert organic materials from landfills. To accomplish this, businesses are required to recycle the organics they generate (with an exclusion for food waste from multifamily units). In addition, each jurisdiction must have an Organics Recycling Program (ORP) that is appropriate for the jurisdiction and meets the needs of its businesses. It must provide the regulated businesses with opportunities to divert the organic wastes it generates. As with mandatory commercial recycling (MCR), jurisdictions must provide education and outreach to regulated businesses and monitor program effectiveness.

CalRecycle recognizes that what constitutes an effective ORP will vary from jurisdiction to jurisdiction. It will depend on many factors, such as the types of commercial generators and the kinds of organics that are generated, the existing and/or potential infrastructure for processing these organic materials, and on-site collection options, etc. CalRecycle also understands that what constitutes an acceptable program will be key to the formal Jurisdiction Review of program implementation and that jurisdictions are seeking guidance now on this issue. Fortunately, there is time to work with jurisdictions and clarify this issue before the first review, which for purposes of AB 1826, will be in the fall of 2018 for those jurisdictions on a two-year review cycle and then in Fall of 2020 for all jurisdictions for the four-year review cycle.

It is important to know that CalRecycle cannot tell individual jurisdictions today whether or not their programs will be adequate, as we base that determination – which occurs during the formal Jurisdiction Review period -- on historical, empirical evidence of what is needed in a jurisdiction and how the jurisdiction addressed those needs. However, CalRecycle has created a simple analytical tool to assist jurisdictions in assessing business and programmatic needs and determining appropriate programs if needed. This tool incorporates the types of questions that CalRecycle staff will ask during annual site visits, annual report reviews, and the formal Jurisdiction Review period to assess the adequacy of program implementation and to make a recommendation regarding a jurisdiction’s compliance with pertinent requirements. These questions are provided as an example of one approach that jurisdictions could take to assess programmatic needs with respect to the requirements of AB 1826. They should not be viewed as prescriptive and are not a checklist, but they do indicate the issues that will be examined when CalRecycle performs its Jurisdiction Reviews. These questions, delineated in more detail in the proposed revisions to the CIWMP Enforcement Policy document that is discussed later in this workshop, focus on the following major areas:

- A. What generators meet the threshold? (Column A)
- B. What organic materials are generated and are they diverted? (Column B)
- C. What diversion programs are available in the jurisdiction? (Column C)
- D. What programs do the businesses need? (Column D)
- E. What programs can the jurisdiction provide to meet the needs of the business? (Column E)
Note: A jurisdiction’s organic waste recycling program must meet the needs of its businesses; it must provide opportunities for the regulated businesses to divert the organic wastes they generate. For instance, if businesses in the area generate food waste, then the jurisdiction must offer a food waste diversion program.
- F. If the jurisdiction is not able to provide necessary programs, what are the barriers and what is the jurisdiction doing to address the barriers? (Column F)

These questions are shown in the blank analytical tool table below. Following this blank template, CalRecycle provides 6 examples of hypothetical jurisdictions with specified characteristics and generators. These examples will help guide each jurisdiction through their own assessment of local business and programmatic needs.

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?

“Program Needs Assessment Tool”

Mandatory Commercial Organics Recycling (AB 1826) Stakeholder Workshop (Item 7)

Examples of jurisdictions assessing their programs and the needs of their businesses:

Jurisdiction 1

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?
<p>Grocery Store X (Large/chain store type)</p> <p>Grocery Store Y (Independent store type)</p>	<p>Grocery Store X</p> <ul style="list-style-type: none"> Generates food waste (primarily produce). Gives consumable foods to food banks. Backhauls remaining food waste to a distribution center where it is sent to a composting facility. <p>Grocery Store Y</p> <ul style="list-style-type: none"> Generates food waste. Subscribes to the franchise haulers ORP. 	<ul style="list-style-type: none"> Exclusive franchise hauler for residential and commercial sectors. Mandatory commercial organic recycling program e.g., businesses must either use the franchise hauler or backhaul or self-haul to a recycling facilities. Commercial on-site organic collection program offered by hauler. Food rescue organizations are available. Businesses can have on-site small scale composting. Food waste can be donated to farms for animal feed. Self-haul opportunities to AD or composting facilities. 	<p>These grocery stores do not need any new programs because:</p> <ul style="list-style-type: none"> These grocery stores already divert all food waste. These grocery stores do not generate other compostable organics such as green waste. 	<p>No generator needs were identified.</p>	<p>N/A</p>
<p>Multifamily Dwellings (MFDs) (5 units or more)</p>	<p>MFDs – Generate food and green waste. All complexes recycle green waste through the hauler’s green waste collection program or their landscaper hauls it to a composting facility.</p> <p><i>Note: Food waste diversion requirements are excluded for MFDs.</i></p>	<ul style="list-style-type: none"> Green waste collection program through the hauler. Landscapers serving businesses and/or multifamily complexes can self-haul green waste. 	<p>MFDs do not need any new programs because all the complexes are recycling green waste by either participating in the hauler’s green waste collection program or having their green waste hauled to a composting facility by the landscaper.</p>	<p>No generator needs were identified. However, further outreach and education may be needed to assure landscapers and/or gardeners take green waste to a proper diversion facility.</p>	<p>N/A</p>

Jurisdiction 2

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?
<p>Grocery Store X (Large/chain store type)</p> <p>Grocery Store Y (Independent store type)</p>	<p>Grocery Store X</p> <ul style="list-style-type: none"> Generates food waste. Donates consumable food to a food rescue organization. Subscribes to the hauler’s ORP. <p>Grocery Store Y</p> <ul style="list-style-type: none"> Generates food waste. Throws away all its food waste. 	<ul style="list-style-type: none"> Exclusive franchise hauler for commercial sector. Commercial on-site organic collection program offered by hauler. Food rescue organizations. Businesses can have on-site small scale composting. Food waste donations to farms for animal feed. Self-haul opportunities to AD or composting facilities. 	<p>Grocery Store X does not need any new programs because it diverts all of its food waste and does not generate any other organic wastes.</p> <p>Grocery Store Y could use existing diversion programs such as:</p> <ul style="list-style-type: none"> The hauler’s ORP, Food rescue organizations, Self-haul to an AD/composting facility, or On-site composting. 	<p>No need to add any new programs for either grocery store since existing programs are readily available in the jurisdiction.</p>	<p>N/A</p>
<p>Multifamily Dwellings (MFDs) (5 units or more)</p>	<p>MFDs – Generate food and green waste. Some complexes subscribe to the hauler’s green waste collection program. The remainder are served by a landscaper or gardener.</p> <p><i>Note: A few complexes don’t generate any green waste and food waste is excluded.</i></p>	<ul style="list-style-type: none"> Green waste collection program through the hauler. Landscapers serving businesses and/or multifamily complexes can self-haul green waste. 	<p>MFDs do not need any additional programs because a green waste collection program is available and landscapers/gardeners can take green waste to a diversion facility.</p>	<p>No need to add any new programs. However, outreach and education may be needed to assure MFDs are subscribing to the hauler’s ORP or the landscapers/gardeners take the green waste to a diversion facility.</p>	<p>N/A</p>

Jurisdiction 3

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?
<p>Grocery Store X (Large/chain store type)</p> <p>Grocery Store Y (Independent store)</p>	<p>Grocery Store X</p> <ul style="list-style-type: none"> Generates food waste. Food waste that can be donated is picked up by a food rescue organization. Other food waste is back-hauled to a distribution center and then it is sent to a composting facility. <p>Grocery Store Y</p> <ul style="list-style-type: none"> Generates food waste. Food waste is thrown away. 	<ul style="list-style-type: none"> Exclusive franchise hauler for residential and commercial sectors. Commercial green waste collection program (no food waste) offered by hauler. Food rescue organizations are available. Businesses can have on-site small scale composting. Food waste donations to farms for animal feed. Self-haul opportunities to AD or composting facilities. 	<p>Grocery Store X does not need any new programs because it diverts all of its food waste and does not generate any other organic wastes.</p> <p>Grocery Store Y could use a rescue program for consumable food discards. However, for the remaining organic waste, the store needs a recycling option. The store doesn't have the option to backhaul the material. In our jurisdiction there isn't a current option for the store to subscribe to a collection program or have on-site composting. The store needs to subscribe to an organics recycling collection program or self-haul to a composting facility.</p>	<p>An organics on-site collection program could be implemented through the franchise hauler.</p> <p>Open the franchise to allow other haulers to provide a commercial food waste collection program.</p> <p>An assessment program to determine if it is feasible for the store to self-haul its material to a composting facility.</p>	<p>In this situation, we have determined that the franchise hauler could provide commercial organics collection program for both green waste and food waste. However, it will take six months to amend the franchise and implement the program starting with the largest generators.</p>
<p>Multifamily Dwellings (MFDs) (5 units or more)</p>	<p>MFDs – Generate both food and green waste. Some complexes are subscribing the hauler's green waste collection program. Others are served by a landscaper or gardener. A few don't generate any green waste.</p> <p><i>Note: food waste is excluded.</i></p>	<ul style="list-style-type: none"> The hauler offers a residential green waste collection to multifamily complexes. Landscapers serving businesses and/or multifamily complexes can self-haul green waste. 	<p>The green waste generated by the MFD needs to be taken to a diversion facility.</p>	<p>Increased outreach and education to make sure MFDs are either subscribing the hauler's program or the landscapers and/or gardeners take the green waste to a diversion facility.</p>	<p>N/A</p>

Jurisdiction 4

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?
<p>Grocery Store X (Large/chain store type)</p> <p>Grocery Store Y (Independent store)</p>	<p>Grocery Store X</p> <ul style="list-style-type: none"> Generates food waste Food waste that can be donated is picked up by a food rescue organizations. Other food waste is back-hauled to a distribution center and then sent to a composting facility. <p>Grocery Store Y</p> <ul style="list-style-type: none"> Generates food waste Food waste (produce) is thrown away 	<ul style="list-style-type: none"> Residential franchise hauler and non-exclusive franchise hauler(s) by permit or open market for the commercial sector. Non-exclusive haulers offer commercial green waste collection, but not food waste collection program at this time. Food rescue programs are available. Businesses can have on-site small scale composting. Food waste/food scrap can be donated to farm as animal feed. Businesses may self-haul food waste to composting/AD facility. 	<p>Grocery Store X does not need any new programs because it already diverts all organic wastes.</p> <p>Grocery Store Y could use a food bank for some of its edible food waste. However, for the remaining organic waste, the store needs a recycling option. The store doesn't have the option to backhaul the material and in our jurisdiction there isn't a current option for the store to subscribe to a collection program or have on-site composting. The store needs to subscribe to an organics recycling collection program or self-haul to a composting facility.</p>	<p>An organics on-site collection program by the non-exclusive haulers.</p>	<p>We could identify non-exclusive haulers that could provide a commercial food waste collection program. If none are identified to provide this program, then the we could explore other options, e.g., extending an RFP, etc.</p>
<p>Multifamily Dwellings (MFDs) (5 units or more)</p>	<p>MFDs – Generate both food and green waste. Some complexes are subscribing the hauler's green waste collection program. Others are served by a landscaper or gardener. A few don't generate any green waste.</p> <p><i>Note: food waste is excluded.</i></p>	<ul style="list-style-type: none"> Residential franchise hauler offers a residential green waste collection to Single Family Dwellings (SFD) and Multifamily Dwellings (MFD) Landscapers serving businesses and/or multifamily complexes can self-haul green waste. 	<p>The green waste generated by the MFD needs to be taken to a diversion facility.</p>	<p>Increased outreach and education to make sure MFDs are either subscribing the hauler's program or the landscapers and/or gardeners take the green waste to a diversion facility.</p>	<p>N/A</p>

Jurisdiction 5

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?
<p>Grocery Store X (Large/chain store type)</p> <p>Grocery Store Y (Independent store)</p>	<p>Grocery Store X</p> <ul style="list-style-type: none"> Generates food waste. Food waste that can be donated is picked up by a food bank/shelters. Other food waste is thrown away. <p>Grocery Store Y</p> <ul style="list-style-type: none"> Generates food waste. Food waste is thrown away. 	<ul style="list-style-type: none"> Wet/dry collection route is being implemented to use a mixed waste processing facility, which sends the organic waste to a composting or AD facility. Food rescue organizations are available. Businesses have on-site small scale composting. Food waste/food scrap can be donated to farm as animal feed. Self-haul to composting/AD facility. 	<p>These grocery stores are already diverting all food waste via the trash being collected and taken to a mixed waste processing facility where the organics and other recyclables are separated.</p>	<p>No need to add new program</p>	<p>N/A</p>
<p>Multifamily Dwellings (MFDs) (5 units or more)</p>	<p>MFDs – Generate both food and green waste. Some complexes are subscribing the hauler’s green waste collection program. Others are served by a landscaper or gardener. A few don’t generate any green waste.</p> <p><i>Note: food waste is excluded.</i></p>	<ul style="list-style-type: none"> Landscapers serving businesses and/or multifamily complexes can self-haul green waste. 	<p>The green waste generated by the MFD needs to be taken to a diversion facility.</p>	<p>Green waste collected by the hauler could be diverted at a mixed waste processing facility.</p> <p><i>Note: assuming the facility separates out greenwaste/wood, etc.</i></p> <p>Further outreach and education is needed to assure landscapers or gardeners take the green waste to a diversion facility.</p>	<p>N/A</p>

Jurisdiction 6

A	B	C	D	E	F
What generators meet the threshold?	What types of organic materials are generated/are the materials diverted?	What existing types of programs are available in the Jurisdiction?	What programs do generators need?	What program(s) can the jurisdiction add to meet generator needs?	If the jurisdiction is not able to provide programs, what are the barriers and what is the jurisdiction doing to address the barriers?
<p>Grocery Store X (Large/chain store type)</p> <p>Grocery Store Y (Independent store)</p>	<p>Grocery Store X</p> <ul style="list-style-type: none"> Generates food waste (produce). Food waste is backhauled to a distribution center and then sent to a composting facility. <p>Grocery Store Y</p> <ul style="list-style-type: none"> Generates food waste. Food waste is thrown away. 	<ul style="list-style-type: none"> Remote area/rural jurisdiction have exclusive franchise hauler for both residential and commercial sectors. Food bank is available in more populated area. Some livestock farmers may take a limited amount of pre-consumer food waste. Businesses can backhaul/self-haul food waste or green waste. Biomass facility that accepts clean wood waste and woody yard waste may operate intermittently depending on energy markets. 	<p>Grocery Store X does not need any new programs because it already diverts all organic wastes.</p> <p>Grocery Store Y needs to subscribe an organics on-site collection program or self-haul to a composting facility.</p>	<p>An organics on-site collection program by the franchise hauler.</p>	<ul style="list-style-type: none"> Composting facility may not accept food waste or doesn't have adequate capacity to accept all the organic materials; therefore, collecting the materials is not feasible. May not have compost facility within a reasonable distance. It may be cost prohibitive to offer an on-site organics collection or self-haul due to the distance between the businesses/composting facility. At this time, our jurisdiction is not able to address these barriers; however, we will continue to seek other approaches.
<p>Multifamily Dwellings (MFDs) (5 units or more)</p>	<p>MFDs – Generate food and green waste. Some complexes are subscribing the hauler's green waste collection program as a part</p>	<ul style="list-style-type: none"> The residential franchise hauler offers a residential green waste collection to SFD and MFD. 	<p>The green waste generated by the MFD needs to be taken to a diversion facility.</p>	<p>Expand the exclusive franchise hauler's on-site green waste collection program to include MFDs</p>	<p>If the franchise agreement does not include a commercial on-site green waste collection program,</p>

	<p>of residential route. Other complexes are served by a landscaper or gardener. A few complexes don’t generate any green waste. <i>Note: food waste is excluded.</i></p>	<ul style="list-style-type: none">Landscapers serving businesses and/or multifamily complexes can self-haul green waste.		<p>not on the residential routes.</p> <p>Increase education and outreach to assure landscapers and/or gardeners take the green waste to a diversion facility.</p>	<p>jurisdiction needs to amend the contract. It may take some time to do so.</p>
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